

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M E M O R A N D U M

Honorable John A. Mendez
United States District Judge
Sacramento, California

RE: Christobal MOODY
Docket Number: 2:02CR00086-01
SUBPOENA/REQUEST TO RELEASE
DOCUMENTS FROM PROBATION FILE

Your Honor:

The above offender was convicted of violations of 21 USC 846 - Conspiracy to Possess Methamphetamine With Intent to Distribute, and 21 USC 841(a)(1) - Possession of Methamphetamine With Intent to Distribute (2 counts). On August 22, 2002, Moody was sentenced to a total of 113 months custody of the Bureau of Prisons on each count, to be served concurrently. He was also sentenced to 5 years Supervised Release on each count, to be served concurrently. Moody began supervision on May 28, 2010.

On December 30, 2010, a Petition for Warrant was filed alleging new law violations occurring in Nevada County, California, for Possession of Narcotic Controlled Substances - Methamphetamine; Possession for Sale of Narcotic Controlled Substances - Methamphetamine; Transportation of Narcotic Controlled Substances - Methamphetamine; and Conspiracy. Moody remains in custody pending those charges. The probation officer received a subpoena from the Nevada County District Attorney's Office for Moody's scheduled trial on March 15, 2011. The District Attorney's Office is requesting the probation officer testify in the upcoming trial currently scheduled for March 15, 2011. In the alternative, the probation office, on the advice of the United States Attorney's Office, proposes the following:

1. Nevada County District Attorney James Phillips requests a document identifying Moody as the person represented in certified copies of the judgment and sentencing in the federal case pursuant to Penal Code 667.5.

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The probation office is requesting authorization to release a photograph taken by the probation officer of Moody holding a placard with his name and date of photograph of June 4, 2010. Other identifying information will be redacted.

2. Nevada County District Attorney James Phillips requests a document verifying Moody's release from federal custody on May 28, 2010, to prove he committed a new law violation less than 5 years from his release from a custodial sentence.

The probation office is requesting authorization to release the Prisoner Release Notification submitted by the Federal Bureau of Prisons and signed by the Community Corrections Manager, Mark Wilfing, notifying local law enforcement of Moody's release to the community on May 28, 2010.

3. Nevada County District Attorney James Phillips requests copies of Monthly Supervision Reports submitted by Moody to the probation officer for the months of June, July, August, September, October, and November 2010. He also requests the probation officer testify as to the content and authenticity of the forms.

The probation office is requesting authorization to release copies of the six Monthly Supervision Reports with redactions of probation officer notes and offender's responses to HIPPA related questions. However, the probation officer would submit an affidavit as to the authenticity of the documents in lieu of any testimony. The request of these forms speaks directly to Moody's defense, and is contraindicative to his defense claims.

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Respectfully submitted,

/s/ Dayna D. Ward

DAYNA D. WARD
Senior United States Probation Officer

Dated: March 8, 2011
Roseville, California
:DDW/cd

REVIEWED BY: /s/ Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

THE COURT ORDERS:

- (X) The requested documents be released to the Nevada County District Attorney's Office
- () The requested documents NOT be released to the Nevada County District Attorney's Office
- () Other:

3-10-2011	/s/ John A. Mendez
Date	Signature of Judicial Officer

cc: United States Probation
Yoshinori H.T. Himel, Assistant United States Attorney
Robert M. Twiss, Assistant United States Attorney
Dwight M. Samuel, Appointed Defense Counsel